

Ronald D. Schoen, Trustee  
Box 216  
Payette, ID 83661  
Tel No. (208) 642-9820  
Fax No. (208) 642-1009

U.S. COURTS

1997 JAN 10 AM 9:38

REC'D \_\_\_\_\_ FILED \_\_\_\_\_  
CAMERON J. BURKE,  
CLERK IDAHO

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF IDAHO

In re:	)	Chapter 12
	)	
TERRY HIPWELL	)	Case No. 96-02095
	)	
Debtor.	)	MOTION FOR ORDER FOR
	)	REISSUANCE OF CHECKS

COMES NOW The trustee, Ronald D. Schoen, who moves this Court for an order authorizing The Amalgamated Sugar Company to issue their check, payable to the trustee, in the amount of \$11,155.91 of which the trustee will deposit these funds in his Trust Account pending further of this Court.

For the Debtor's 1995 sugar beet contract #9-77-4976, The Amalgamated Sugar Company issued the below listed checks to the Debtor of which said checks are now in the possession of the trustee as evidenced by the attached Exhibit "A":

3/22/96	
ck #080428	\$ 4,680.20
6/29/96	
ck #083712	4,625.05
6/27/96	
ck #708373	<u>1,850.66</u>
TOTAL	<u>\$11,155.91</u>

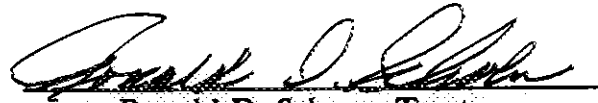
MOTION FOR ORDER FOR  
REISSUANCE OF CHECKS

Checks #080428 and #083712 are made payable to the Debtor, IRS, Hulet Management Co and Land View Fertilizer. The Debtor and Land View Fertilizer have endorsed off on these checks and Amalgamated has noted on the checks that the Debtor is authorized to cash the checks without the endoresment of IRS. Check #708373 has been endorsed off by the Debtor and Land View Fertilizer.

On September 25, 1996, the trustee mailed a letter to Jay Hulet to inquire if he would consent to sign off on these checks. The trustee has not receied a reply to his request. In addition, it is the opinion of the trustee that Jay Hulet and/or Hulet Management Co does not have a perfected security interest in this crop and their name should not appear on the checks.

On November 6, 1996, the trustee mailed a letter to Leon Blacker of The Amalgamated Sugar Company to inquire if Amalgamated would reissue these checks payable only to the Debtor and Land View Fertilizer. On December 11, 1996, Richard C. Boardman, Amalgamated's attorney, replied to the trustee's letter by inquiring if an order could be obtained whereby the checks would be reissued without Hulet as a payee.

DATED This 9th day of January, 1997.

  
Ronald D. Schoen, Trustee



9 77 4976

AMALGAMATED SUGAR COMP

2427 LINCOLN AVE. BOX 1520 OGDEN UTAH 84402

62-47-311

080428

080428

WILMINGTON TRUST COMPANY  
MILFORD, DELAWARE 19963DATE  
03/22/96AMOUNT  
\$\*\*\*\*\*4,683.20

\*\*\*\*\* FOUR, SIX EIGHT ZERO DOLLARS AND TWO ZERO CENTS

INTERNAL REVENUE SERVICE  
LAND VIEW FERTILIZER  
HULET MANAGEMENT CO.TERRY L. HIPWELL  
30932 SHELTON ROAD  
PARMA, ID

83660

AUTHORIZED SIGNATURE

⑈080428⑈ ⑈03⑈1⑈00474⑈ ⑈900 ⑈1423⑈

FOR DEETS PURCHASED

62-47/311

083712

083712



9 77 4976

THE AMALGAMATED SUGAR COMPANY

2427 LINCOLN AVE. BOX 1520 OGDEN, UTAH 84402

WILMINGTON TRUST COMPANY  
MILFORD, DELAWARE 19963DATE  
06/29/96AMOUNT  
\$\*\*\*\*\*4,625.05

\*\*\*\*\* FOUR, SIX TWO FIVE DOLLARS AND ZERO FIVE CENTS

INTERNAL REVENUE SERVICE  
LAND VIEW FERTILIZER  
HULET MANAGEMENT CO.TERRY L. HIPWELL  
30932 SHELTON ROAD  
PARMA, ID

83660

AUTHORIZED SIGNATURE

⑈083712⑈ ⑈03⑈1⑈00474⑈ ⑈900 ⑈1423⑈

THE AMALGAMATED SUGAR COMPANY

BANKERS TRUST (DELAWARE)  
WILMINGTON, DELAWARE  
IN COOPERATION WITH  
FIRST SECURITY BANK OF UTAH, N.A.

P.O. BOX 87, NAMPA IDAHO 83653

62-36 311 [F]



N° 708373

DATE JUNE 27, 1996

PAY

WHITE SATIN 1855 AND 66 CTS

\$ --1,850.66--

TO THE  
ORDER OFLAND VIEW FERTILIZER AND  
HULET MANAGEMENT CO. ANDTERRY L. HIPWELL  
30932 SHELTON ROAD  
PARMA, IDAHO 83660

THE AMALGAMATED SUGAR COMPANY

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

Amounts over \$10,000 require two signatures

⑈708373⑈ ⑈03⑈1⑈00380⑈

00574207⑈

EXHIBIT "A"